



Docket No.: 7374

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPLICANT:** O'Donnell et al. **GROUP:** 3752  
**SERIAL NO:** 10/800,796 **EXAMINER:** Patrick Brinson  
**FILED:** March 15, 2004  
**FOR:** ROPE AND WEBBING PROTECTOR

**Mail Stop: Amendment**  
**Commissioner of Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**

DECLARATION OF MARK G. O'DONNELL

1. I, Mark G. O'Donnell, of 30 Arbor Road, S. Burlington, Vermont, hereby declare as follows:
2. I am a co-inventor of the subject matter disclosed and claimed in the present application.
3. I am the V.P., Sales & Marketing of Trach Mate, Inc., the assignee of all right, title and interest in the above referenced application, all inventions disclosed therein, and any and all patents that issue therefrom.
4. I am responsible for all marketing and sales activities of Trach Mate, Inc.

5. Trach Mate, Inc. markets and sells a product called the SPIROLL® brand rope protector, a copy of a brochure of which is attached hereto as Exhibit A.

6. The SPIROLL® brand rope protector was initially introduced to the climbing market in about the fall of 2003, and was introduced to professional safety markets in about the spring of 2004. Prior to the introduction of the SPIROLL® brand rope protector, ropes were either unprotected at stress or abrasion points, or were protected by complex enclosing protectors that fastened with, for example, velcro or clips, or were simply protected by placing a jacket or climbing pack under the rope at the abrasion point.

7. For example, one review of the SPIROLL® brand rope protector in Gear Trends Specialty News (SNEWS) in September 2003 stated "Protecting ropes from abrasion or cutting has generally been a nuisance requiring either padding the rock or attaching a sleeve to the rope". The SPIROLL® brand rope protector provides sufficient protection through the use of multiple wraps while holding itself in place without the need for clips or tie-offs.

8. The Spiroll Rope Protector does not require a fastener or clip to hold itself in place on a rope. The inside diameter of the spiroll configuration is initially smaller than the rope diameter. When wrapped around the rope, it tries to return to its original inside diameter and in the process snugs down on the rope thus holding itself in place in whatever location it is placed.

9. I have been the primary person at Trach Mate, Inc. that is responsible for sales since November 2003, and have attended three trade shows throughout the country since that time.


10. Although protectors had existed in the market prior to introduction of the SPIROLL® brand rope protector, the SPIROLL® brand rope protector, because of its unique features described above, has been met with significant and surprising commercial interest from a wide variety of groups, such as sport rock climbing and professional rescue.

11. To date, Trach Mate, Inc. has sold over 1500 SPIROLL® brand rope protectors, and it is my experience from discussions with customers that the strong commercial interest in the SPIROLL® brand rope protector is due to the product being able to be easily applied to and positioned on a rope (without requiring a fixed attachment), yet provide sufficient protection through the use of wrapping the protector around the rope with sufficient overlap to provide an underlying abrasion resistant surface under the exposed abrasion resistant outer surface.

12. I acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, and I further declare that all statements made of my knowledge are true and that all statements made on information and belief are believed to be true.

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Date: January 27, 2005

A handwritten signature in cursive script, reading "Mark S. O'Donnell", written in dark ink. The signature is positioned above a horizontal line.

Mark O'Donnell

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